

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CYNTHIA DONNETTA JERNIGAN,

Plaintiff,

v.

Case No. 8:23-cv-962-VMC-SPF

KILOLO KIJAKAZI,
Acting Commissioner of the Social
Security Administration,

Defendant.

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REPORT AND RECOMMENDATION

Pursuant to sentence four of 42 U.S.C. § 405(g), Plaintiff seeks judicial review of an administrative decision denying his claim for Social Security disability benefits (*see* Doc. 1). At this juncture, the Commissioner seeks entry of an order reversing and remanding the case for further administrative action. Specifically, the Commissioner asserts:

On remand, the Appeals Council will instruct the Agency to: (1) re-evaluate the opinion evidence; (2) take any further action needed to complete the administrative record; and (3) issue a new decision.

(Doc. 10 at 1). Plaintiff has no objection.

Upon consideration, it is hereby **RECOMMENDED**:

1. Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 10) be **GRANTED**.

2. The Commissioner's decision be **REVERSED** and the case be **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

3. The Clerk of Court be directed to enter judgment for Plaintiff and close this case.

IT IS SO REPORTED at Tampa, Florida on July 5, 2023.



SEAN P. FLYNN
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See 11th Cir. R. 3-1.